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Attorneys for Plaintiff,
ALEX VILLANUEVA

**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

ALEX VILLANUEVA,

Plaintiff,

vs.

COUNTY OF LOS ANGELES,
COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT, LOS
ANGELES COUNTY BOARD OF
SUPERVISORS, COUNTY EQUITY
OVERSIGHT PANEL, LOS
ANGELES COUNTY OFFICE OF
INSPECTOR GENERAL,
CONSTANCE KOMOROSKI,
MERCEDES CRUZ, ROBERTA
YANG, LAURA LECRIVAIN,
SERGIO V. ESCOBEDO, RON
KOPPERUD, ROBERT G. LUNA,
MAX-GUSTAF HUNTSMAN,
ESTHER LIM, and DOES 1 to 100,
inclusive,

Defendants.

Case No.: 2:24-cv-04979-SVW-JC

**[Assigned to Honorable Stephen V. Wilson
and Magistrate Judge Jacqueline
Chooljian]**

**PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION *IN LIMINE*
NO. 4 TO EXCLUDE VIVIAN
VILLANUEVA; DECLARATION OF
ALEX DIBONA, EXHIBITS**

Date: May 26, 2025
Time: 1:30 p.m.
Dept.: 10A

Trial Date: June 3, 2025
Action Filed: June 13, 2024

MEMORANDUM OF POINTS AND AUTHORITIES

1. INTRODUCTION

Defendants' Motion in *Limine* No. 4 seeks to exclude Plaintiff's wife, Vivian Villanueva, from testifying based on her invocation of the spousal communication privilege. This motion must be denied. First, the spousal communication privilege is well-established and entirely applicable here. Second, Vivian Villanueva herself invoked the privilege independently, which she had every legal right to do. Third, Plaintiff is not employing a "sword and shield" tactic because he is not relying on Vivian Villanueva for any testimony regarding the privileged communications.

2. THE SPOUSAL COMMUNICATION PRIVILEGE IS WELL ESTABLISHED AND APPLICABLE

The spousal communication privilege protects confidential communications between spouses made during their marriage. It is firmly established in both federal and California law. See *United States v. Montgomery*, 384 F.3d 1050, 1056 (9th Cir. 2004). Here, Vivian Villanueva's invocation of the privilege regarding confidential communications with her husband clearly falls within the established scope of this privilege.

3. PLAINTIFF DID NOT CONTROL VIVIAN VILLANUEVA'S INVOCATION OF PRIVILEGE

Vivian Villanueva independently invoked the spousal communication privilege, as was her unequivocal right. Plaintiff neither encouraged nor influenced this invocation. Courts consistently uphold a spouse's independent right to invoke such a privilege, recognizing it as an important protection for marital privacy.

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1 **4. PLAINTIFF IS NOT USING THE PRIVILEGE AS A "SWORD AND**
2 **SHIELD"**

3 Defendants incorrectly argue Plaintiff employs the privilege as both a sword and
4 shield. Plaintiff has never sought to introduce testimony from Vivian regarding any
5 communications protected by privilege. As explained in *Bowling v. Netflix, Inc.*, 2024 U.S.
6 Dist. LEXIS 201962 (S.D. Ind. 2024), misuse of privilege as a sword and shield occurs
7 only when a party attempts to selectively disclose privileged communications for
8 advantage while withholding related damaging information. The court in *Bowling*
9 specifically held that merely invoking a privilege without selective disclosure does not
10 constitute misuse.

11 Here, the holding in *Bowling* directly applies. Plaintiff does not seek testimony
12 regarding privileged communications Vivian refused to disclose. Rather, Vivian testified
13 extensively during her deposition on numerous non-privileged subjects, providing ample
14 opportunity for Defendants to fully explore her actual testimony. Vivian explicitly stated
15 she and Plaintiff never exchanged texts or emails about emotional distress, thus excluding
16 privileged communications entirely from the scope of relevant testimony (Deposition of
17 Vivian Villanueva, Villanueva Depo., Page 41, Lines 6-11).

18
19 **5. DEFENDANTS ARE NOT ENTITLED TO THREE YEARS OF**
20 **PRIVILEGED MARITAL COMMUNICATIONS**

21 Defendants claim Plaintiff's emotional distress claim justifies intrusive discovery
22 into three years of confidential marital communications. This claim is without merit.
23 Vivian testified clearly that no electronic communications between her and Plaintiff
24 regarding emotional distress exist. Defendants' demand for broad disclosure of privileged
25 marital communications merely because Plaintiff initiated litigation is unfounded and
26 excessive (Deposition of Vivian Villanueva, Villanueva Depo., Page 41, Lines 6-11).

27 ///

28 ///

**6. VIVIAN VILLANUEVA'S DEPOSITION TESTIMONY
DEMONSTRATES DEFENDANTS FULLY EXPLORED HER NON-
PRIVILEGED KNOWLEDGE**

During her deposition, Vivian Villanueva provided clear and extensive testimony about her knowledge concerning Plaintiff's emotional distress claim. She acknowledged being identified as a witness regarding emotional distress (Villanueva Depo., Page 22, Lines 1-7), but clearly stated she never reviewed documents or engaged in specific preparations for her deposition testimony (Villanueva Depo., Page 20, Lines 15-17). Vivian testified specifically that her husband advised her simply to "be truthful and answer what you know" (Villanueva Depo., Page 21, Lines 1-3). Vivian affirmed no detailed discussions occurred regarding emotional distress through electronic communications (Villanueva Depo., Page 41, Lines 6-11). Defendants thus had ample opportunity to fully assess her knowledge and testimony regarding non-privileged matters, thereby precluding any claims of prejudice or incomplete discovery.

Plaintiff respectfully requests this motion be denied.

Dated: May 5, 2025

SHEGERIAN & ASSOCIATES, INC.

By: _____



Alex DiBona, Esq.

Attorneys for Plaintiff,
ALEX VILLANUEVA

DECLARATION

DECLARATION OF ALEX DIBONA

I, Alex DiBona, declare as follows:

1. I am an attorney at law, duly authorized to practice law before all of the courts of the State of California and this honorable Court. I am an attorney of record for plaintiff, Alex Villanueva, in this case. I am familiar with the files, pleadings, and facts in this case and could and would competently testify to the following facts on the basis of my own personal knowledge.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Relevant portions of Vivian Villanueva's deposition transcripts.

Executed on this 5th day of May, 2025, at Los Angeles, California.



Alex DiBona, Esq.

EXHIBIT 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ALEX VILLANUEVA,
Plaintiff,

vs.

COUNTY OF LOS ANGELES,
COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT, LOS
ANGELES COUNTY BOARD OF
SUPERVISORS, COUNTY EQUITY
OVERSIGHT PANEL, LOS ANGELES
COUNTY OFFICE OF INSPECTOR
GENERAL, CONSTANCE KOMOROSKI,
MERCEDES CRUZ, ROBERTA YANG,
LAURA LECRIVAIN, SERGIO V.
ESCOBEDO, RON KOPPERUD,
ROBERT G. LUNA, MAX-GUSTAF
HUNTSMAN, ESTHER LIM, and
DOES 1 to 100, inclusive,

Defendants.

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)
) Case No.
) 2:24-cv-04979 SVW (JCx)

VIDEOTAPED DEPOSITION OF VIVIAN VILLANUEVA
Los Angeles, California
Wednesday, April 23, 2025
Volume I

Reported by:
NADIA NEWHART
CSR No. 8714
Job No. 7301582
PAGES 1 - 166

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

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ALEX VILLANUEVA,)
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Plaintiff,)
)
vs.) Case No.
) 2:24-cv-04979 SVW (JCx)
COUNTY OF LOS ANGELES,)
COUNTY OF LOS ANGELES)
SHERIFF'S DEPARTMENT, LOS)
ANGELES COUNTY BOARD OF)
SUPERVISORS, COUNTY EQUITY)
OVERSIGHT PANEL, LOS ANGELES)
COUNTY OFFICE OF INSPECTOR)
GENERAL, CONSTANCE KOMOROSKI,)
MERCEDES CRUZ, ROBERTA YANG,)
LAURA LECRIVAIN, SERGIO V.)
ESCOBEDO, RON KOPPERUD,)
ROBERT G. LUNA, MAX-GUSTAF)
HUNTSMAN, ESTHER LIM, and)
DOES 1 to 100, inclusive,)
)
Defendants.)
_____)

Videotaped deposition of VIVIAN VILLANUEVA,
Volume I, taken on behalf of Defendants, at
2121 Avenue of the Stars, Suite 2600, Los Angeles,
California, beginning at 10:23 a.m. and ending at
2:50 p.m. on Wednesday, April 23, 2025, before
NADIA NEWHART, Certified Shorthand Reporter No. 8714.

1 APPEARANCES:

2
3 For Plaintiff:

4 SHEGERIAN & ASSOCIATES

5 BY: ALEX DiBONA, ESQ. (10:23-12:09 p.m.)

6 BY: BRYAN KIRSH, ESQ. (12:46-2:50 p.m.)

7 11520 San Vicente Boulevard

8 Los Angeles, California 90049

9 310-860-0770

10 shegerianlaw.com

11
12 For Defendants:

13 MILLER BARONDESS, LLP

14 BY: STEVEN G. WILLIAMSON, ESQ.

15 2121 Avenue of the Stars, Suite 2600

16 Los Angeles, California 90067

17 310-552-5253

18 swilliamson@millerbarondess.com

19
20 Also Present:

21 JULIO PENA, videographer

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WITNESS	EXAMINATION
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VIVIAN VILLANUEVA

Volume I

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EXHIBITS

NUMBER	DESCRIPTION	PAGE
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Exhibit 1	Second Amended Subpoena to Testify at a Deposition in a Civil Action; 8 pages	34
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Exhibit 2	Text messages; AV010781-786	47
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Exhibit 3	Plaintiff Alex Villaneuva's Service of Priviledge Log; 27 pages	59
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Exhibit 4	Article titled "Second Top Official Accuses LA Sheriff Villanueva of Coverup in Controversial Jail Video Case"; 12 pages	92
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INDEX (Continued):

EXHIBITS

NUMBER	DESCRIPTION	PAGE
Exhibit 5	Fourth Amended Complaint for Damages; 26 pages	98
Exhibit 6	Article titled "Sergeant's lawsuit alleging retaliation for criticizing Villanueva to proceed"; 4 pages	102
Exhibit 7	Article titled "Vivian Villanueva - wife and confidant - holds sway in L.A. Sheriff's Department, officials say"; 17 pages	110
Exhibit 8	Plaintiff Alex Villanueva's Disclosure of Experts Pursuant to F.R.C.P 26(a)(2); 76 pages	126

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1 testified, was it generally just about things about
2 the arrests or the investigations or the work that
3 you performed on those various cases?

4 A Yes.

5 Q And so we mentioned the Pimentel case. Have 10:36:30
6 you ever been involved as a defendant in any other
7 civil lawsuit?

8 A No.

9 Q Have you ever been a plaintiff in a civil
10 lawsuit? 10:36:50

11 A No.

12 Q And did you do anything to prepare for the
13 deposition today?

14 A No.

15 Q Did you review any documents in preparation 10:37:07
16 for today's deposition?

17 A No.

18 Q Did you speak to anyone about today's
19 deposition?

20 A No. 10:37:12

21 Q Did you speak with Mr. Villanueva, your --
22 your husband, about today's deposition?

23 A Yes.

24 Q Okay. And when did you speak with him?

25 A This morning, driving in. He and my -- my 10:37:25

1 friend dropped -- dropped me off, and all he said
2 is, "Just be truthful and answer what you know" and
3 didn't say anything else.

4 Q So it was him and -- and you said a friend
5 was also in the car this morning?

10:37:46

6 A Yes.

7 Q Okay. Who was the friend?

8 A Gina and her husband David.

9 Q What else did Mr. Villanueva say about the
10 deposition this morning?

10:38:00

11 A That was it.

12 Q Did Gina say anything about the deposition?

13 A No. She wasn't paying attention.

14 Q What about David? Did he --

15 A In fact, he dropped me off in -- at the
16 front, so I don't even think they heard. It wasn't
17 inside the car.

10:38:12

18 Q Got it. Other than the conversation you had
19 this morning, have you spoken with Mr. Villanueva at
20 all about your deposition?

10:38:25

21 A No.

22 Q When did you learn that you were going to be
23 deposed in this case?

24 A I can't remember.

25 Q Did Mr. Villanueva -- well, are you aware

10:38:35

1 that you've been named as a witness who may have
2 information regarding Mr. Villanueva's claims of
3 emotional distress?

4 A Yes.

5 Q And when did you learn that you had been 10:38:47
6 named as a witness?

7 A He told me, but I just don't remember when.

8 Q He being Mr. Villanueva?

9 A Correct.

10 Q Do you recall if it was sometime earlier this 10:39:00
11 year?

12 A Could -- could have.

13 Q And well -- when you were informed that you
14 were named as a witness in this case, did you have
15 the discussion that you might have to give a 10:39:14
16 deposition?

17 A Not at the time. Well, wait a minute. I --
18 I don't -- I don't remember, but I think so.

19 Q Do you remember anything about that
20 discussion? 10:39:32

21 A No.

22 Q Have you met Mr. DiBona before today?

23 A No.

24 Q So when you and Mr. DiBona encountered each
25 other in the lobby today, that's the first time you 10:39:46

1 A Yes.

2 Q And have you searched your -- your phone or
3 your records to see if you have any documents or
4 communications relating to Mr. Villanueva's
5 emotional distress claims? 11:03:12

6 A I haven't, but I can tell you there's going
7 to be nothing there on that.

8 Q And why would you believe that there's
9 nothing there on that?

10 A Because we don't -- I've never texted him 11:03:26
11 about emotional distress.

12 Q And request for production number 4 is (as
13 read):

14 "ALL DOCUMENTS AND COMMUNICATIONS
15 RELATING plaintiff -- relating to 11:03:43
16 PLAINTIFF given -- being given a 'Do
17 Not Rehire' notation on his County
18 personnel file as alleged in this
19 ACTION."

20 Do you see that? 11:03:52

21 A Yes.

22 Q And you generally understand just for ease,
23 that this case -- part of this case is
24 Mr. Villanueva's contention that he should not have
25 received a "do not rehire" flag on his file, 11:04:01

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1
2
3
4 I, VIVIAN VILLANUEVA, do hereby declare
5 under penalty of perjury that I have read the
6 foregoing transcript; that I have made any
7 corrections as appear noted, in ink, initialed by
8 me, or attached hereto; that my testimony as
9 contained herein, as corrected, is true and correct.

10 EXECUTED this ____ day of _____,
11 20____, at _____, _____.
(City) (State)

12
13
14
15 _____
VIVIAN VILLANUEVA

16 Volume I
17
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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [X] was [] was not requested.

16 I further certify that I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date subscribed
20 my name.

21
22 Dated: 4/25/25

23 
24

NADIA NEWHART

25 CSR NO. 8714

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VILLANUEVA V. COUNTY OF LOS ANGELES, et al. USDC Case No. 2:24-cv-04979-SVW-JC

PROOF OF SERVICE
UNITED STATES DISTRICT COURT,
CENTRAL DISTRICT OF CALIFORNIA

I am an employee in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 11520 San Vicente Boulevard Los Angeles, California 90049.


On May 5, 2025, I served the foregoing document, described as “**PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION IN LIMINE NO. 4 TO EXCLUDE VIVIAN VILLANUEVA: DECLARATION OF ALEX DIBONA, EXHIBITS**” on all interested parties in this action as follows:

Louis R. Miller, Esq.
Jason H. Tokoro, Esq.
Steven G. Williamson, Esq.
Miller Barondess, LLP
2121 Avenue of the Stars, Suite 2600
Los Angeles, CA 90067
smiller@millerbarondess.com
jtokoro@millerbarondess.com
swilliamson@millerbarondess.com

☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 5, 2025, at Los Angeles, California



Amelia Sanchez